

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-19 in the application. The Applicants have not amended, canceled or added any claims. Accordingly, Claims 1-19 are currently pending in the application.

I. Rejection of Claims 1-6, 8-12 and 14-18 under 35 U.S.C. §102

The Examiner has rejected Claims 1-6, 8-12 and 14-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,177,861 to MacLellan, *et al.* The Applicants respectfully disagree since MacLellan does not teach implementing a backoff protocol including returning a LOCKED indicator upon an expectation that a shared resource is unavailable as recited in independent Claims 1, 8 and 14.

MacLellan is directed to wireless communication systems and, more particularly, to a system for a wireless communication system that provides short range communications to inexpensive endpoints. (*See* column 1, lines 21-24.) The system includes an Application Processor 101 that communicates over a network 102 to interrogators 103 that communicate to tags 105. (*See* column 2, lines 54-64 and Figure 1.) The system uses a new downlink protocol for data transmission from the interrogators 103 to the tags 105 and a new uplink protocol for data transmission from the tags 105 to the interrogators 103. Both protocols use a backoff/retry algorithm to randomly retransmit any non-acknowledged messages. (*See* column 2, lines 7-19.)

MacLellan does not teach, however, that the system returns a LOCKED indicator upon an expectation that the Application Processor 101 is unavailable. On the contrary, MacLellan is interested in the successful communication of data between the interrogators 103 and the tags 105.

When data is successfully received at the interrogators 103, an acknowledgment message is sent to the tags 105. (See column 5, lines 5-7.) Thus, as indicated above, protocols employed for communicating between the interrogators 103 and the tags 105 retransmit any unacknowledged messages. (See Abstract and column 2, lines 16-17.) Nevertheless, the Applicants do not find any teaching in MacLellan regarding the Application Processor 101 being unavailable and, more specifically, returning a LOCKED indicator upon an expectation of the Application Processor 101 being unavailable. MacLellan, therefore, does not teach each element of independent Claims 1, 8 and 14.

Since MacLellan does not teach returning a LOCKED indicator upon an expectation that a shared resource is unavailable as recited in independent Claims 1, 8 and 14, MacLellan does not anticipate independent Claims 1, 8 and 14 and Claims dependent thereon. The Applicants, therefore, respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-6, 8-12 and 14-18 and allow issuance thereof.

II. Rejection of Claims 7, 13 and 19 under 35 U.S.C. §103

The Examiner has rejected Claims 7, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over MacLellan in view of U.S. Patent No. 6,704,873 to Underwood. The Applicants respectfully disagree.

As discussed above, MacLellan does not teach returning a LOCKED indicator upon an expectation that a shared resource is unavailable as recited in independent Claims 1, 8 and 14. Additionally, MacLellan does not suggest returning a LOCKED indicator upon an expectation that a shared resource is unavailable since MacLellan does not even address the availability or

unavailability of a shared resource. Instead, MacLellan is directed to improving communication between control points and endpoints. (See Abstract.) Accordingly, MacLellan does not teach or suggest each element of independent Claims 1, 8 and 14.

Underwood discloses a plurality of gateways situated in distinct geographic locations that are coupled to an internet. A wide area network, separate from the internet, is coupled to each of the gateways for providing communication between the wide area network and the internet. Coupled to the wide area network is a central database for providing a central storage for data used in e-commerce carried out over the internet. (See Abstract.)

The Applicants do not find, however, where Underwood teaches or suggests returning a LOCKED indicator upon an expectation that a shared resource is unavailable as recited in independent Claims 1, 8 and 14. Instead, Underwood is concerned with providing a global internetworking gateway architecture for an e-commerce environment. (See column 2, lines 6-8.)

Additionally, Underwood has not been cited to cure the above deficiencies of MacLellan but to teach the subject matter of dependent Claims 7, 13 and 19. Accordingly, the cited combination of MacLellan and Underwood does not teach or suggest each and every element of independent Claims 1, 8 and 14.

Since the cited combination of MacLellan and Underwood, fails to teach or suggest each element of independent Claims 1, 8 and 14, the cited combination does not provide a *prima facie* case of obviousness of Claims 1, 8 and 14 and Claims dependent thereon. Claims 7, 13 and 19, therefore, which depend of Claims 1, 8 and 14 are not obvious in view of MacLellan and Underwood. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 7, 13 and 19 and allow issuance thereof.

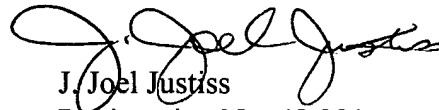
III. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-19.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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